



Promoting the wise use of land
Helping build great communities

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

| | | | |
|---|--|---------------------------------------|-----------------------------|
| MEETING DATE July 15, 2005 LOCAL EFFECTIVE DATE July 29, 2005 APPROX FINAL EFFECTIVE DATE September 2, 2005 | CONTACT/PHONE Murry Wilson (805) 788-2352 | APPLICANT Terry and Pam Carter | FILE NO. D030144P |
| SUBJECT Request by Terry and Pam Carter for a Minor Use Permit / Coastal Development Permit to allow a conversion of the existing duplex at 333 Juanita Avenue to a single-family residence (removal of the interior partition wall that was illegally constructed to create a duplex in the existing structure); demolition of the existing detached garage to the east of the single-family residence (including removal of the illegal unit within the garage); and the construction of a separate and new single-family residence adjacent to the existing residence. The project will result in two single-family residences and the disturbance of approximately 2,500 square feet of a 6,000 square foot parcel. The proposed project is within the Residential-Multi Family land use category and is located at 333 Juanita Avenue in the community of Oceano. The site is in the San Luis Bay (coastal) planning area. | | | |
| RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit D030144P based on the findings listed in Exhibit A and the conditions listed in Exhibit B. | | | |
| ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 26, 2005 for this project. | | | |
| LAND USE CATEGORY Residential Multi-Family | COMBINING DESIGNATION Flood Hazard, Airport Review Area, Archaeologically Sensitive Area, Coastal Appealable Zone, Local Coastal Plan, Small Scale Neighborhood | ASSESSOR PARCEL NUMBER 061-021-023 | SUPERVISOR DISTRICT(S) 4 |
| PLANNING AREA STANDARDS: Airport Review Area, and Height <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i> | | | |
| LAND USE ORDINANCE STANDARDS: Coastal Appealable Zone, Local Coastal Plan, Minimum Site Area, Archaeologically Sensitive Area, Small Scale Neighborhood, and Setbacks <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i> | | | |
| FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process. | | | |

| | |
|---|---------------------------------------|
| EXISTING USES: Residence and detached garage | |
| SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family / Residence <i>East:</i> Residential Multi-Family / Residence <i>South:</i> Residential Multi-Family / Residence <i>West:</i> Residential Multi-Family / Residence | |
| OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Oceano Community Advisory Group, Public Works, CDF, Oceano Community Services District, ALUC, and the California Coastal Commission | |
| TOPOGRAPHY: Nearly level | VEGETATION: ornamentals |
| PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Oceano Fire Department | ACCEPTANCE DATE: December 13, 2004 |

DISCUSSION

PLANNING AREA STANDARDS:

Airport Review Area: The project site is within the Airport Review Area and is subject to the standards set forth in the San Luis Bay Planning Area Combining Designations section. Allowable uses are limited to those designated as "compatible" or "conditionally approvable" by the adopted Oceano County Airport Land Use Plan. The project was referred to the Airport Land Use Commission and found to be consistent with the Airport Land Use Plan. The parcel is surrounded by single family residences and can be considered infill development. An Avigation Easement will be required as a condition of approval and required prior to issuance of building permits.

Height: Structures in the Oceano Multi-Family Residential area are not to exceed 25 feet. (The project complies with this standard)

LAND USE ORDINANCE STANDARDS:

Section 23.01.043 Appeals to the Coastal Commission (Coastal Appealable Zone): The project is appealable to the Coastal Commission because the site is within 300 feet of the inland extent of the beach.

Section 23.07.120 Local Coastal Program Area: The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

Section 23.04.044 Minimum Site Area: The minimum site area for residential uses is 6,000 square feet. (The project complies with this standard)

Section 23.04.100 Setbacks: All setbacks are per Land Use Ordinance. The required front setback is 25 feet. The side setback is ten percent of the lot width to a maximum of five feet on sites less than one acre in net area. The rear setback is ten feet on sites of less than one acre in net area. (The project complies with these standards)

Section 23.05.106 Curbs, Gutters and Sidewalks: Curb Gutter and Sidewalk is required for any new development projects in the Residential Multi-Family category.

Section 23.07.104 Archaeologically Sensitive Area: The project site is located in a designated sensitive archaeological area. The site is nearly completely covered in impervious surfaces therefore a Phase I Surface Survey will be preformed upon initial removal of the paving materials on the project site. If any resources are encountered during the surface survey, additional monitoring will be required as part of this project.

COASTAL PLAN POLICIES:

| | | |
|---|------------------------|--|
| Shoreline Access: <input checked="" type="checkbox"/> N/A | Policy No(s): | |
| Recreation and Visitor Serving: <input checked="" type="checkbox"/> N/A | Policy No(s): | |
| Energy and Industrial Development: <input checked="" type="checkbox"/> N/A | Policy No(s): | |
| Commercial Fishing, Recreational Boating and Port Facilities: <input checked="" type="checkbox"/> N/A | Policy No(s): | |
| Environmentally Sensitive Habitats: | Policy No(s): 1 | |
| Agriculture: <input checked="" type="checkbox"/> N/A | Policy No(s): | |
| Public Works: | Policy No(s): 1 | |
| Coastal Watersheds: | Policy No(s): 7, 8, 10 | |
| Visual and Scenic Resources: | Policy No(s): 6, 8 | |
| Hazards: <input checked="" type="checkbox"/> N/A | Policy No(s): | |
| Archeology: | Policy No(s): 4, 6 | |
| Air Quality: <input checked="" type="checkbox"/> N/A | Policy No(s): | |

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COASTAL PLAN POLICY DISCUSSION:

Environmentally Sensitive Habitats:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: The proposed project is consistent with this policy because it will not significantly disrupt the habitat (Oceano Lagoon) because the project is located on an existing developed residential lot and is considered infill development. The site is approximately 250 feet from the lagoon and the project will be conditioned to provide sedimentation and erosion control during construction activities.

Public Works:

Policy 1: Availability of Service Capacity: A will serve letter from Oceano Community Services District will be required prior to issuance of construction permits. The property has preliminary approval from the service provider.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the new residence will be located on an existing lot of record in the Residential Multi-Family category on slopes of less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the new garage will not increase erosion or runoff.

Visual and Scenic Resources:

Policy 6: Special Communities and Small-Scale Neighborhoods: The proposed project is similar in design to existing structures in the neighborhood and is therefore consistent with the character and intent of the small scale design neighborhood.

Policy 8: Utility Lines within View Corridors: Where feasible, utility lines within public view corridors should be placed underground whenever their aboveground placement would inhibit or detract from ocean views. In all other cases, where feasible, they shall be placed in such a manner as to minimize their visibility from the road.

Archeology:

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas: A site survey will be conducted upon removal of impervious surfaces on the project site. If any significant materials are encountered during the survey additional archaeological work will be required prior to additional site work.

Policy 6: Archaeological Resources Discovered During Construction or through Other Activities: If substantial resources are discovered during construction of new development, or through non-permit related activities, all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.

STAFF COMMENTS:

The project site is a 6,000 square foot Residential Multi-Family lot with two underlying 3,000 square foot parcels. The density calculation for the project site allows for two dwellings on the site. Permit research verified the existence of two separate structures on two lots legal lots which means the two lots are not consolidated. The Board of Supervisors determined that the project could move forward and be constructed as two single family dwellings on two legal lots.

COMMUNITY ADVISORY GROUP COMMENTS:

AGENCY REVIEW:

Public Works- RMF category requires curb, gutter and sidewalk fronting lots 16 and 17. Finish floor elevation will need to be 1-foot above 100 year flood designation.

Oceano Fire Department - Recommend approval upon satisfactory completion of all requirements as stated in the OCSD will serve letter.

Planning Department Hearing
Minor Use Permit D030144P / Carter
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Oceano Community Services District – Recommend approval upon satisfactory completion of all requirements as stated in the OCSD will serve letter.
ALUC – Recommend approval with conditions.
California Coastal Commission – No response.

LEGAL LOT STATUS:

The two lots were legally created by a recorded map (Oceano Beach 2, Block 41, Lots 16 and 17) at a time when that was a legal method of creating lots.

Staff report prepared by Murry Wilson and reviewed by Matt Janssen.

EXHIBIT A - FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 26, 2005 for this project.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use (residence) is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies/does not satisfy all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the residential use does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the residential use is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Juanita Avenue, a local road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Archeological Sensitive Area

- H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project will have a Phase I Surface Survey conducted upon initial site disturbance and if any significant findings are discovered, additional mitigation and monitoring will be required.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:
 - a. The conversion of the existing duplex at 333 Juanita Avenue to a single-family residence (removal of the interior partition wall that was illegally constructed to create a duplex in the existing structure); demolition of the existing detached garage to the east of the single-family residence (including removal of the illegal unit within the garage); and the construction of a separate and new single-family residence adjacent to the existing residence. The project will result in two single-family residences and the disturbance of approximately 2,500 square feet of a 6,000 square foot parcel.
 - b. maximum height is 25 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for construction permits**, the applicant shall bond or install concrete curb, gutters and sidewalks as approved by the County Engineering department unless such requirements are waived by County Engineering pursuant to Section 23.05.106.

Fire Safety

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Services

6. **At the time of application for construction permits**, the applicant shall provide a letter from Oceano Community Services District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Avigation Easement

7. **Prior to issuance of a construction permit**, the applicant shall grant/update an Avigation Easement to the County of San Luis Obispo via an avigation easement document prepared by the county. The avigation easement document shall be reviewed and approved by County Counsel.

Fees

8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Public Works

9. **Prior to issuance of a construction permit**, the applicant shall comply with all of the requirements of the County Public Works Department.
10. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department.

Conditions to be completed during project construction

Building Height

11. The maximum height of the project is 25 feet from average natural grade.
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Utilities

12. Electric, cable and telephone lines shall be installed underground.

Cultural Resources

13. **Prior to any ground disturbing activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to observe the area of proposed development after it has been cleared of structures and impervious surfaces. Structure and impervious surface removal shall not occur until after issuance of the

proper permits. The applicant shall implement the recommendations of the archaeologist, as required by the Environmental Coordinator. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection whichever occurs first**, the consulting archaeologist shall submit a letter to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. (MM)

Geology and Soils

14. All mitigation measures identified in the Developer's Statement dated May 5, 2005 regarding geology and soils shall be implemented on the project site. The Developer's Statement and Conditions of Approval shall be included on the face of the project construction documents. (MM)

Conditions to be completed prior to occupancy or final building inspection / establishment of the use

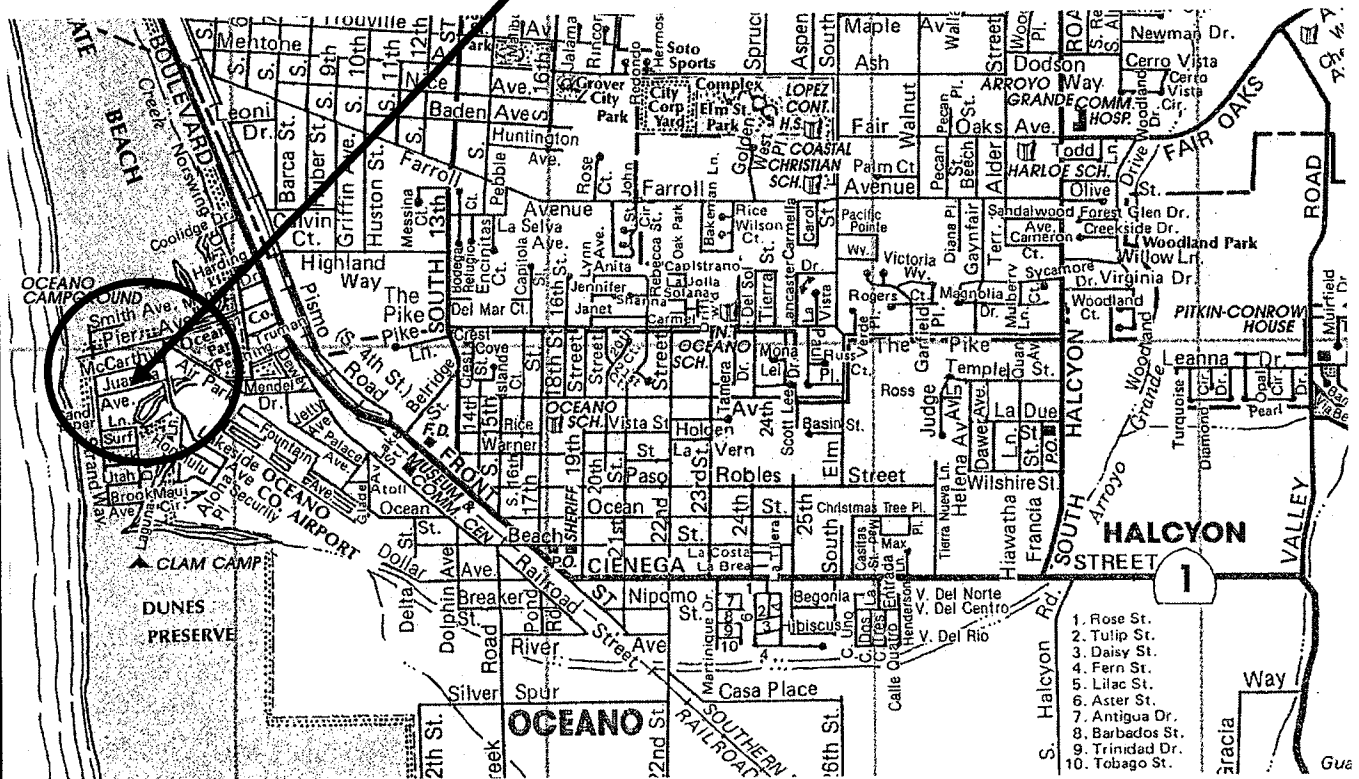
15. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection / establishment of the use**. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
16. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Oceano Fire Department of all required fire/life safety measures.
17. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
18. **Prior to occupancy of any structure associated with this approval**, the applicant shall install concrete curb, gutters and sidewalks as approved by the County Engineering department unless such requirements are waived by County Engineering pursuant to Section 23.05.106.

On-going conditions of approval (valid for the life of the project)

19. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
20. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

21. The applicant shall as a condition of approval of this minor use permit / coastal development permit application defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit / coastal development permit or the manner in which the County is interpreting or enforcing the conditions of this minor use permit / coastal development permit, or any other action by a third party relating to approval or implementation of this minor use permit / coastal development permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

Site



PROJECT

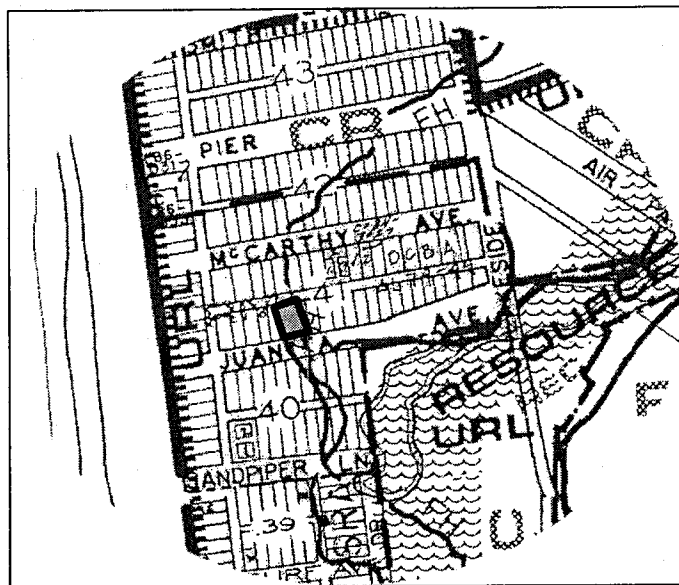
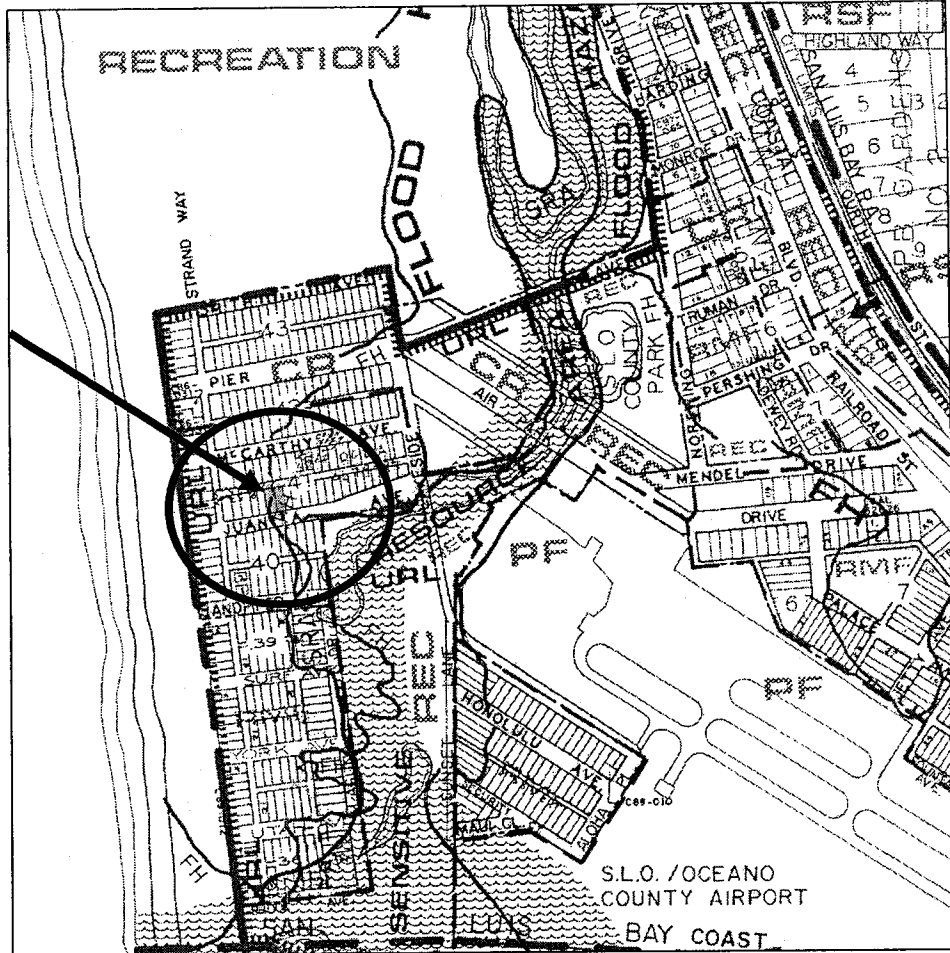
Minor Use Permit
Carter/ D030144P



EXHIBIT

Vicinity Map

Site



PROJECT

Minor Use Permit
Carter/ D030144P



EXHIBIT

Land Use Category

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

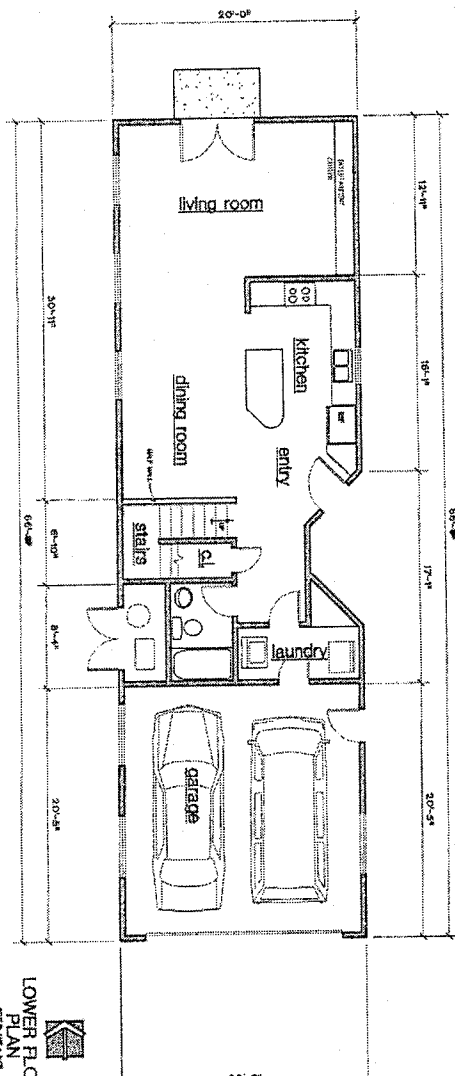
PROJECT:
CARTER RESIDENCE
new living unit
333 JUANITA AVENUE
OCEANO, CA 93454

OWNER:
TERRY W. CARTER
5485 EAST OLIVE
FRESNO, CA 93727
(559) 252-2962

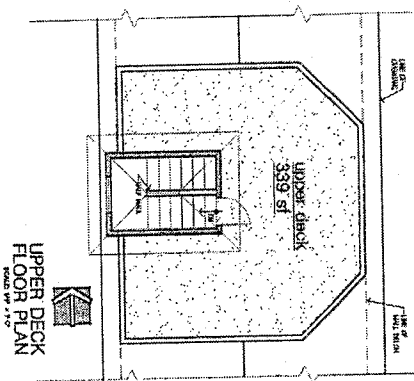
DRAWN BY:

aniel zarate
00 SOUTH LANE STREET
OCEANO, CA 93454
OFFICE (805) 448-0122
CELL (805) 715-0127
FAX (805) 448-0122

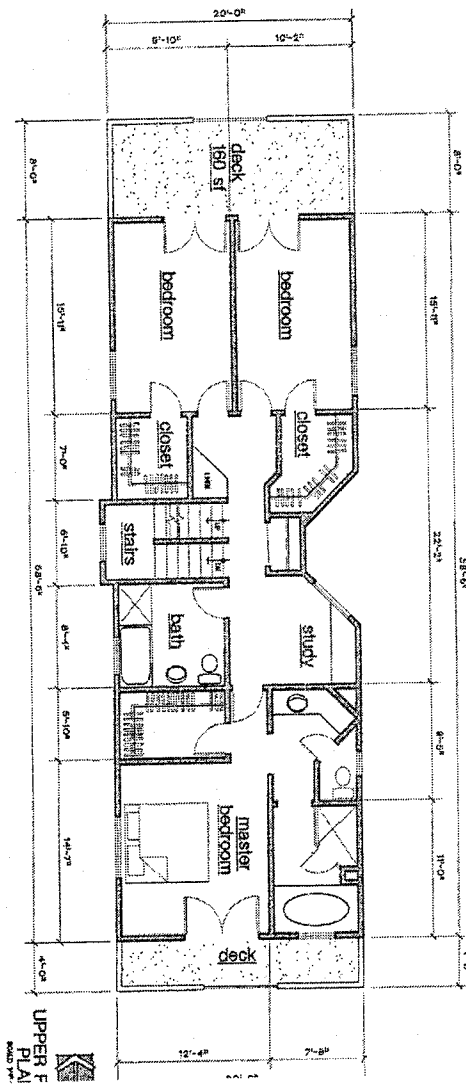
New Living Space
Lower Level: 879 sf
Upper Level: 1071 sf
Garage: 417 sf



LOWER FLOOR PLAN



UPPER DECK FLOOR PLAN



UPPER FLOOR PLAN

PROJECT

Minor Use Permit
Carter/ D030144P



EXHIBIT

Floor Plan

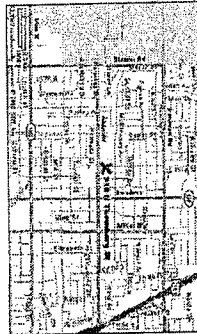
CARTER RESIDENCE

New Living Unit

333 Juanita Avenue, Oceano CA 93454

OWNER: Terry W. Carter (559) 252-2673

OCEANO



VICINITY MAP

3

A.P.N.

006-97-024

ZONING OF THE PROPERTY

MULTI-FAMILY

TOTAL AREA OF THE PROJECT SITE

3,000 SF

TOTAL BUILDING AREA

EXISTING

NEW ADDITION TOTAL

LIVING AREA

0 SF

1,850 SF

NEW GARAGE

1,150 SF

0 SF

EXISTING GARAGE - 400 SF

0 SF

0 SF

AREA OF LOT COVERED BY STRUCTURES

1,286 SF

43.2%

AREA OF LOT COVERED BY PAVING

482 SF

16.1%

AREA OF LOT USED FOR LANDSCAPING

1,222 SF

40.7%

PROVIDED PARKING:

2 spaces (New/Existing)

PROJECT DATA

2

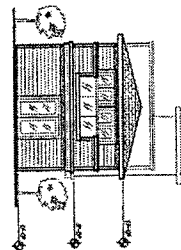
PROJECT:

CARTER RESIDENCE
NEW LIVING UNIT
333 JUANITA AVENUE
OCEANO, CA 93454

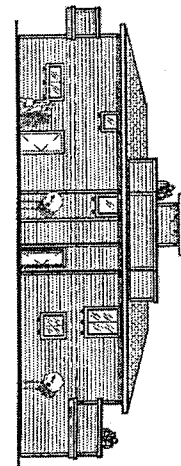
OWNER:

TERRY W. CARTER
5485 EAST OLIVE
FRESNO, CA 93727
(559) 252-2962

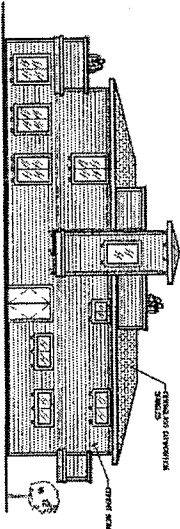
North Elevation



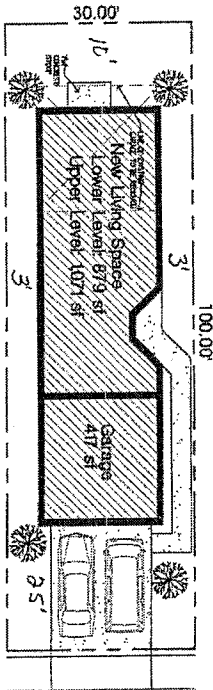
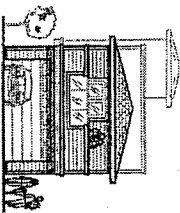
East Elevation



West Elevation



South Elevation
View from Juanita Avenue



JUANITA

DRAWN BY:

SITE PLAN
SCALE: 1/8" = 1'-0"



ariel zarate residential design
1111 N. G Street, Suite 100
Fresno, CA 93727
Phone: (559) 481-4596
Fax: (559) 481-4596
arielzarate@earthlink.net
arielzarate.com

DATE: 1/10/07

PROJECT

Minor Use Permit
Carter/ D030144P



EXHIBIT

Site Plan/ Elevations